

Request for Reconsideration Under 37 C.F.R. § 1.116
Date: March 6, 2009

Serial No. 10/825,757
Atty. Docket No. GP146-04.UT

Amendments to the Claims

This listing of claims replaces all prior versions and listings of the claims in the application.

Listing of Claims:

Claims 1-115 (Canceled)

116. (Currently Amended) A detection probe for use in determining the presence of SARS-CoV in a test sample, said probe comprising a target binding portion, the base sequence of said target binding portion consisting of or being contained within and including at least 18 contiguous bases of a base sequence selected from the group consisting of SEQ ID NO:3, the DNA equivalent of SEQ ID NO:3, [[its]] the complement of SEQ ID NO:3, and the DNA [[equivalents thereof]] equivalent of the complement of SEQ ID NO:3,

wherein said target binding portion forms a hybrid stable for detection with said target sequence under stringent hybridization conditions,

wherein said probe does not comprise any other base sequences which stably hybridize to nucleic acid derived from SARS-CoV under said conditions, and

wherein said probe does not form a hybrid stable for detection with nucleic acid derived from HCoV-OC43 or HCoV-229E under said conditions.

Claims 117-123 (Canceled)

124. (Currently Amended) The probe of claim 116, wherein the base sequence of said target binding portion consists of a base sequence selected from the group consisting of SEQ ID NO:3, the DNA equivalent of SEQ ID NO:3, [[its]] the complement of SEQ ID NO:3, and the DNA [[equivalents thereof]] equivalent of the complement of SEQ ID NO:3.

125. (Currently Amended) The probe of claim 116, wherein the base sequence of said probe consists of or is contained within a base sequence selected from the group consisting of SEQ ID NO:3, the DNA equivalent of SEQ ID NO:3, [[its]] the complement of SEQ ID NO:3, and the DNA [[equivalents thereof]] equivalent of the complement of SEQ ID NO:3.

126. (Previously Presented) The probe of claim 116, wherein said probe is a self-hybridizing probe under said conditions and in the absence of said target sequence.

127. (Previously Presented) The probe of claim 126, wherein said probe comprises a pair of interacting labels.

128. (Previously Presented) The probe of claim 127, wherein said pair of interacting labels is selected from the group consisting of a luminescent/quencher pair, a luminescent/adduct pair, a Förrester energy transfer pair and a dye dimer.

129. (Previously Presented) The probe of claim 116, wherein said probe comprises a detectable label.

130. (Previously Presented) The probe of claim 116, wherein said conditions include a temperature of about 60°C and a salt concentration of about 0.6 M to about 0.9 M.

131. (Withdrawn) A method for determining the presence of SARS-CoV in a test sample, said method comprising the steps of:

- a) contacting a test sample with said probe of claim 116 under said conditions; and
- b) determining whether said hybrid is present in said test sample as indication of the presence of SARS-CoV in said test sample.

Claims 132-138 (Canceled)

139. (Withdrawn - Currently Amended) The method of claim 131, wherein the base sequence of said target binding portion consists of a base sequence selected from the group consisting of SEQ ID NO:3, the DNA equivalent of SEQ ID NO:3, [[its]] the complement of SEQ ID NO:3, and the DNA [[equivalents thereof]] equivalent of the complement of SEQ ID NO:3.

140. (Withdrawn - Currently Amended) The method of claim 131, wherein the base sequence of said probe consists of or is contained within a base sequence selected from the group consisting of SEQ ID NO:3, the DNA equivalent of SEQ ID NO:3, [[its]] the complement of SEQ ID NO:3, and the DNA [[equivalents thereof]] equivalent of the complement of SEQ ID NO:3.

141. (Withdrawn) The method of claim 131, wherein said probe is a self-hybridizing probe under said conditions and in the absence of said target sequence.

142. (Withdrawn) The method of claim 141, wherein said probe comprises a pair of interacting labels.

143. (Withdrawn) The method of claim 142, wherein said pair of interacting labels is selected from the group consisting of a luminescent/quencher pair, a luminescent/adduct pair, a Förrester energy transfer pair and a dye dimer.

144. (Withdrawn) The method of claim 131, wherein said probe comprises a detectable label.

Claims 145-183 (Canceled)